

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

UNILOC USA, INC. and
UNILOC LUXEMBOURG, S.A.,

Plaintiffs,

v.

BIG FISH GAMES, INC.,

Defendant.

) **Case No.: 2:17-cv-01183-RAJ**
)
) **PLAINTIFFS' NOTICE OF**
) **SUPPLEMENTAL AUTHORITY**
)

Under Local Civil Rule 7(n), Plaintiff Uniloc brings to the Court's attention relevant authority issued during the past two weeks:

1. *Berkheimer v. HP Inc.*, -- F.3d --, 2018 WL 774096 (Fed. Cir. February 8, 2018) (Ex. A);

2. *Aatrix Software, Inc.*, -- F.3d --, 2018 WL 843288 (Fed. Cir. February 14, 2018) (Ex. B).

Copies of those decisions are attached.

As the local civil rule does not permit argument, this notice does not contain any. The Court may, however, wish to request briefing from the parties as to the significance of these decisions on the pending motion to dismiss.

1 To assist the Court in evaluating whether it wishes further briefing, Uniloc
2 attaches the blog articles from *IP 360* reporting these decisions, and collecting
3 comments of myriad attorneys (Ex. C).

4
5 Dated: February 20, 2018

Respectfully submitted,

6
7 /s/ James J. Foster

James J. Foster

8 **PRINCE LOBEL TYE LLP**

9 One International Place, Suite 3700

Boston, MA 02110

10 Tel: (617) 456-8000

11 Email: jfoster@princelobel.com

12 Al Van Kampen, WSBA No. 13670

13 1001 Fourth Avenue, Suite 4050

14 Seattle, WA 98154

15 Tel: (206) 386-7353

16 Email: AVanKampen@VKClaw.com

17 **Attorneys for Plaintiffs**

18 **CERTIFICATE OF SERVICE**

19 I certify that a copy of the above document has been served on February 20,
20 2018 to all counsel of record who have consented to electronic service via the Court's
21 CM/ECF system.

22
23 /s/ James J. Foster

24
25 2895203.v1